AGRICULTURAL AND FARMLAND PROTECTION BOARD

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The Ulster County Agricultural and Farmland Protection Board (AFPB) has conducted a review of issues related to the continuation of Agricultural District #2. The AFPB finds that the majority of the land within the District continues to be viable agricultural land and recommends the recertification of Agricultural District #2 with modifications to remove **59** parcels as a result of land use changes.

Section 303-a(2c), Article 25AA of Agriculture and Markets Law requires the AFPB to consider the following factors in making its recommendation to recertify the District,

1. The nature and status of farming and farm resources within the district, including the total number of acres of land and the total number of acres of land in farm operations in the District

Agricultural District #2 is a wedge-shaped area covering the central and southern portion of Ulster County. The Wallkill River runs northward through this District from Orange County into the Rondout Creek in Rosendale. A few parcels in Rosendale form the northern tip of the wedge. To the west, the Shawangunk Mountains form a natural boundary. To the east, the New York State Thruway forms another limit, with a lone parcel in Esopus located outside the area between the Shawangunk Mountains and the Thruway. (Continuing to go eastward, past the Thruway, flat ground continues until it reaches the Shaupeneak Ridge and the Marlborough Mountains.) Heading south, parcels in Agricultural District #2 predominate New Paltz, with a handful on the other side of the Thruway in Agricultural District #1. Further south, Agricultural District #2 serves all of Gardiner and Shawangunk as well as the western portion of Plattekill before ending at the county border. Agricultural District #2 covers much of the Wallkill River Valley in Ulster County.

Agricultural District #2 has 27,877 acres of which 18,544 acres are part of a farm operation.

2. The extent to which the district has achieved its original objectives

There is no one dominant form of agriculture in Ulster County's Wallkill River Valley, but the industry is active and varied. Tax assessment records show a large number of agricultural operations with everything from livestock to field crops, dairies to vineyards, apple orchards to horse farms, sheep and wool production to nurseries and greenhouses. This diversity extends to other facets of the area's agricultural community, too. The Wallkill River Valley sees its share of, "start-up" farms while simultaneously home to operations owned by the same families for over a hundred years and in some cases, over two or three hundred years. The Wallkill River Valley sees its share of operations that use conventional tillage and at least one that engages in no-till farming. Numerous roads crisscross the area with heavy tourist traffic. Wineries, orchards, horse farms among other operations all have different ways of attracting tourist dollars of those visiting the area, particularly on weekends and holidays. And to keep pace with a growing

demand, the Wallkill River Valley has its share of "organic farms", but it also continues to have operations that do not use organic farming practices.

Other agricultural districts have their greatest concentrations of parcels along river or highway corridors, as with Agricultural Districts #3 and #4, or are mostly concentrated in one town, as with Agricultural District #1. Other parcels in these districts tend to be spread thinly across large areas with a few, relatively large concentrations of parcels locating in some places. For the most part, Agricultural District #2 does not follow these patterns.

Agricultural District #2 differs from the three other districts in Ulster County by its topography and its connection to Orange County. Agricultural District #2 covers much of Shawangunk, especially in the lowland areas. It also covers large portions of Gardiner and the Town of New Paltz. Large, contiguous concentrations of agricultural district parcels can be found within and across municipal boundaries. Agriculture can thrive all across this area because it has some of the best soils in New York State. The area is a wide river valley with soils of the right texture, depth and nutrient levels. The day-to-day activities of the District's diverse array of agricultural operations often includes trips to neighboring Orange County with its businesses catering to farms and farmers. The Wallkill River Valley, in both Orange and Ulster Counties, goes a long way in creating a large enough market to attract businesses serving agricultural operations. An area that can do this is an area that can maintain a vibrant agricultural community. The Wallkill River Valley is a place where the right conditions exist for an agricultural district to spread out and cover a larger area than what's seen in other parts of Ulster County, making Agricultural District #2 the County's largest agricultural district.

In other areas of the County, agriculture has a strong presence, but so too, do urbanized areas and rural residential areas unlikely to see much in the way of farming. In these areas characterized by competing land uses, the Agricultural District Program affords protections for farming operations. Farmland protection in Agricultural District #2, however, also benefits the agricultural community in surrounding agricultural districts.

The Agricultural District Program helps preserve this critical mass of agricultural activity in District #2. With too few farms, businesses catering to them leave, making it harder for existing farms to stay in business. Such a scenario would not only hurt farms in Agricultural District #2, but farms in Ulster County's other agricultural districts and those in Orange County, too. The regional road network makes the Wallkill River Valley businesses very accessible to these surrounding areas. Agricultural District #2 does more than benefit its own farms; the District also plays a role in sustaining regional agriculture.

3. The extent to which county and local comprehensive plans, policies and objectives are consistent with and support the district

Comprehensive planning efforts in Agricultural District #2 reflect the central role agriculture plays there. With the understandable exception of the Village of New Paltz, every town has significant portions of their comprehensive plans devoted to agriculture. These documents reiterate the need to "protect", "preserve" and "promote" agriculture throughout their text. Others use the verbs "encourage" or "enhance". All tie the importance of agriculture to specific

recommendations. The Towns of New Paltz and Shawangunk even have farmland protection plans, both addressing land planning techniques and economic development goals. Both of these plans have the stated goal of attracting agricultural incubators, which did recently open in Ulster County. In the Town of New Paltz, Glynwood Farm and the Open Space Institute partnered with one another to form the Hudson Valley Farm Business Incubator. Located in several municipalities just north of Agricultural District #2, the Local Economies Project has partnered with Cornell University's College of Agriculture and Life Sciences, Cornell Cooperative Extension of Ulster County, Rondout Valley Growers Association, Hawthorne Valley Farm and the Hudson Valley Agribusiness Development Corporation to form the Farm Business Incubator. These agricultural incubators draw on the resources and expertise of various organizations to assist new farmers in getting their businesses operational and help existing farms stay viable and grow.

Agricultural incubators are an example of a goal that came to fruition. Towns, particularly those with comprehensive plans that are a few years old and with no intention of updating them any time soon, are encouraged to at least look at which goals concerning agriculture have yet to be achieved. Something like the Young Farmers Program in Gardiner's comprehensive plan is a worth wile endeavor. The need to attract new individuals, particularly young people, into the profession is an important issue and an increasingly pressing concern in many places. Ulster County has attracted some younger farmers in recent years often looking to capitalize on items like greens, mushroom, lavender, among other items in high demand by consumers from the New York City area. A Young Farmers Program does not need to be developed from scratch in Ulster County.

The issue isn't that towns in the District overlook agriculture in their comprehensive planning efforts. They give considerable attention to agriculture. What towns can do is examine how far they have come in achieving their goals. Interest is as high as it's ever been in agriculture across Ulster County and the Hudson Valley for that matter. In this environment, towns in the District may find new opportunities to further goals they made some years back.

4. The degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in such district and their influence on farming

Every municipal zoning statute for towns in Agricultural District #2 addresses agriculture. Even towns in the northern part of the District that don't see as much agriculture as those farther south still address agriculture with a good deal of specificity. The Village of New Paltz, for example, zones for agriculture in a few neighborhoods; despite its high population densities, agricultural zoning is still very much appropriate. Further south, Gardiner and Shawangunk treat agriculture in their zoning statutes with an intricacy that reflects agriculture's importance in these towns. This section of the AFPB report first examines towns in the northern part of the District and works its way south, along the way showing the considerable amount of thought and effort put into incorporating agriculture into zoning statutes.

Rosendale and Esopus

Both of these towns form the northern reaches of the Agricultural District #2. Both are where the Wallkill River Valley gives way to hilly terrain before the Wallkill River flows into the Rondout Creek. Both have very few parcels in the District, Rosendale with 5 and Esopus only 2. Both also have parcels in other agricultural districts, but still not very many. Nevertheless, both have zoning regulations that are very accommodating to agriculture.

Rosendale's zoning statute allows agriculture throughout the Town. Crop agriculture is allowed in every zoning district by right, with the exception of a light industrial zoning district, which does not allow it. Livestock is confined to two agricultural zoning districts, the A and A-1 Districts, but allowed by right. Livestock agriculture is also allowed by special permit in the R-1 District, the residential district with the largest minimum lot size in Rosendale, or 1 acre. Supplementary zoning regulations limit the intensity of agricultural operations. They ban canneries, slaughterhouses, rendering and fertilizer plants. Supplementary regulations impose a 100 feet setback from property for structures housing fowl and containers for manure, dead fowl and other odor- and dust-producing substances.

Rosendale's zoning statute differs from many other statutes in Ulster County by the specificity with which it categorizes land uses related to agriculture. It uses the Standard Industrial Classification or SIC Code as a tool for defining these land uses. Specific items include "horticultural specialties" which covers nurseries, greenhouses, mushroom farms, among other things. "Animal specialties" include some businesses likely to be established in Rosendale such apiaries and kennels focused on the breeding and sale of dogs. "Agricultural services" include companies catering to particular needs of farms such as soil preparation, supplying farm labor, etc. In Rosendale, veterinary clinics fall under the umbrella of agriculture. Farm stands, though, fall under the category of retail and wholesale business. In general, these specific land uses are allowed in the two agricultural zoning districts and its two business districts. Farm stands, though, are not allowed in the business districts.

Similar to Rosendale, Esopus allows agriculture throughout its jurisdiction and handles its zoning of agriculture by regulating specific land uses. Esopus permits crop agriculture in every zoning district, so in effect, everywhere in town. Agricultural services providers such as soil preparation and farm management businesses are allowed in the Town's commercial and industrial districts with site plan review. Veterinary clinics are allowed in the in the commercial districts and the light industrial district with a special permit, but they are not allowed in the heavy industrial district. Breeding kennels are allowed by special permit in residential areas with the lowest development density, the rural areas of town. It is clear from reviewing the Esopus zoning statute that the town took great pains to accommodate agriculture while minimizing its environmental impact.

Esopus treats livestock agriculture as it would factories, warehouses and large stores. As far as residential districts are concerned, only in the most rural zoning districts does Esopus allow livestock agriculture, because of their large required lot sizes. The Town's two industrial districts and its General Commercial (GC) District also allow livestock agriculture, as opposed to smaller, neighborhood commercial districts that do not. In zoning districts that allow agriculture, farm operations will need site plan approval from the Town. The large required lot

sizes in these zoning districts and site plan review minimize farm operations impacts' have on neighboring land uses. Poultry farms are their own distinct land use in the Esopus zoning code. Poultry farms are only allowed in the R40 and R60 Districts, both of which cover rural areas of town.

The supplementary zoning regulations for Esopus show the Town's regard for agriculture, particularly livestock, as a high impact land use. These regulations peg the number of livestock and fowl allowed on a property to the amount of land available. Structures housing livestock or fowl can be no closer than "750 feet to the nearest residence building on an adjoining lot". The storage of manure or other odor- or dust -producing substance or use except spraying and dusting to protect vegetation needs 150 foot setback from a street or lot line. This is 50 feet more than often seen elsewhere. Livestock agriculture has a number of other requirements all meant to reduce negative externalities. The supplementary regulations also address those farm stands located in a residential district. Such an operation cannot be larger than 2,000 square feet within any structure, provide at least 5 parking spaces and provide ingress and egress so "such use shall be so arranged as to provide minimal interference with through traffic on the street".

Both Esopus and Rosendale accommodate agriculture, but place restrictions to minimize its impact on neighboring land uses, residential in particular. To a considerable extent, hilly terrain covers both towns setting them apart from others in Agricultural District #2, which are located mostly on the Wallkill River Valley's fertile plain. Outside much of Esopus and Rosendale, in the Wallkill River Valley, farms have more room to spread out and make an area where agriculture dominates the landscape. Farms often neighbor one another in these towns Farms in Rosendale and Esopus have located in a more fragmented pattern and are likely to neighbor non-agricultural land uses. Esopus and Rosendale undertake a detailed balancing act in accommodating agriculture while minimizing its impact as far as noise, odors, pollution, traffic and other issues go.

Town of New Paltz

The Town of New Paltz allows crop agriculture by right in all but one district, the Business 2 (B-2) District. Livestock agriculture, on the other hand, is restricted to two agricultural zoning districts and three floodplain zoning districts. The Agriculture 3 (A-3) and Agriculture 1.5 (A-1.5) Districts allow livestock agriculture by right. The Floodway (FW), Flood Fringe (FF) and General Flood (GF) Districts allow livestock agriculture by special permit. Farm stands are permitted the B-2 District by right and in every other zoning district by special permit.

The Town has a list of prohibited industrial uses in its zoning statute for areas that allow manufacturing or light industry. The Town of New Paltz, as with other towns in Ulster County, are seeing smaller, niche farms that produce value-added goods from what they raise. Soaps, lotions, cosmetics, various types of food processing are some examples. Production of value-added goods does not automatically qualify as a prohibited industrial use. Many of these operations employ items and processes that do not fall on this list. In other words, these operations are not like typical manufacturing or industrial uses that would be incompatible with residential and neighborhood commercial land uses. The Town may want to periodically review this list of prohibited uses to make sure it does not prohibit the value-added component of an agricultural business. Currently, though, this list does not appear to hinder such businesses.

Village of New Paltz

The Village is one of the most densely populated areas of Ulster County. Apartment buildings and local malls cater to SUNY New Paltz students and employees that live in and around the Village. Tourism also fuels the dense development with restaurants, shops and a few hotels catering to those coming to the Village, either because of the school and/or because of the nearby mountains, hiking trails, apple orchards, etc. Yet, the Village accommodates agriculture - crops, but not livestock - in its zoning statute, and has 4 parcels in the Agricultural Districts Program.

The Village's location relative to the Wallkill River explains agriculture's current role in the Village. The Wallkill River borders the southwestern portion of the Village before veering west, deeper into the Town of New Paltz, then heading directly north again. Where the Wallkill River runs in very close proximity to the municipal boundary or in some instances crosses it, the Village has a Flood Plain (F) District covering these areas. Further north, prime agricultural land stretches from the River in the Town of New Paltz and into the Hamlet (H) District in the Village.

Historical reasons can explain the agriculture activity found in the western portion of the Village. Areas of the Village that overlap with the Wallkill River's flood plain were never ideal for development, especially of the kind seen along Main Street and around the SUNY campus. Agriculture, at least those types that can benefit from or withstand periodic flooding, remains the best use for these areas. Further north in the H District, which centers on historic Huguenot Street, the Village made a concerted effort to preserve this area's historic structures. In doing so, it maintained land uses such as agriculture.

Plattekill

Agricultural District #2 serves the area of town west of the New York State Thruway. Plattekill's zoning statute allows agriculture in every area of town. Zoning districts allow agriculture by right except in Plattekill's Hamlet Residential (H-1) District and its two business district. In these three zoning districts agricultural operations need a special permit. Nurseries and greenhouses are treated as their own distinct land use. They are allowed in every district except one, the Residential Settlement (RS-1) District or Plattekill's major residential area as opposed to other less populated residential zoning districts. Nurseries and greenhouses are usually allowed by special permit, and where they are allowed as a principally permitted use, site plan review is still required.

Plattekill's supplementary zoning regulations deal with livestock agriculture, which it refers to as animal husbandry. The regulations focus primarily on the amount of area allowed per animal. For horse farms, there are different requirements for commercial and private stables. Kennels have their own set of regulations, requiring at least three acres. Farms with cows, pigs, sheep or goats need to dedicate a minimum amount of land for each animal, with the amounts dedicated depending on the type of animal.

Gardiner

Gardiner's zoning statute accommodates agriculture in many ways. Every zoning district allows agriculture as a land use permitted by right. This includes both livestock and crops in areas with relatively large population densities and smaller parcels.

Livestock, however, does face some restrictions about where they can be kept. Supplementary zoning regulations places restrictions on where livestock can be kept based on the amount of land available. This, in effect, keeps livestock operations out of the commercial areas in town or the hamlets. These restrictions reveal the wide variety of livestock being reared in Gardiner. For every cow, horse, bison, pig or "similar large animal" there must be one acre dedicated per animal. Also for every one acre dedicated to livestock, Gardiner allows 2 deer, llamas or alpacas; 4 sheep, emus or ostriches; and 6 goats. The building inspector has discretion over regulating other large animals not addressed by zoning regulations. Concerning where people live on a farm, each residential structure must have one acre dedicated to it. Given Gardiner's geography, these restrictions only keep livestock out of a few areas made up of small properties, and the do not comprise much of the Town's total land area. The exotic nature of the animals regulated by Gardiner's zoning statute reflects the presence of niche farms and/or hobby farms.

The supplementary regulations for Gardner's zoning statute also have a section titled "Protection of agriculture". These regulations give farmers considerable leeway over the placement agricultural structures. For those persons buying a non-agricultural property next to an active farm, it is they who must provide vegetative screening, woodlands, vegetated berms or other topographic features to buffer their property from the farm. The responsibility is put on owners of the non-agricultural uses to reduce their own exposure to noise, odors and other potential nuisances from farm activities.

This requirement that non-agricultural neighbors establish their own buffer areas compliments Gardiner's policy towards agricultural structures. In Gardiner's supplementary zoning regulations, farms have a lot of leeway with where they can locate agricultural structures. The supplementary regulations on agriculture stipulate that "there shall be no lot line setback restrictions on agricultural structures, except setbacks from lots that are either not within the agricultural district or lots that have existing residential uses." Site plan and special permit approvals only apply when agricultural structures are larger than 20,000 square feet and higher than 35 feet.

The leeway given farmers goes beyond situating agricultural structures. It extends to other aspects of the built environment. Agricultural structures, "including but not limited to barns, silos, grain bins, wind energy conversion systems, and fences, as well as equipment related to such structures", have no height, building footprint or impervious surface coverage limits so long such structures are used as part of a farm operation. Soil mining is permitted by right subject to a zoning permit by the building inspector for operations not requiring a permit from the New York State Department of Environmental Conservation. The extent to which Gardiner accommodates agriculture, the leeway it gives farmers with how they can develop their farms, makes the Town distinctive.

Shawangunk

Shawangunk makes use of something known as sliding scale zoning. This type of land use regulation operates essentially as an incentive scheme. To put it differently, more development is allowed on smaller pieces of land if something is provided. Either a developer or municipality can provide what is needed for more development. In Shawangunk, this would be the availability of public infrastructure i.e. municipal water and sewer. The Town's Small Business (SB) District allows the most density under this scheme. The SB District allows a habitable building constructed on as small as a 5,000 square foot lot, provided both municipal water and sewer are available. (If only one or neither is provided, a developer will need a larger piece of land or an area variance.) The SB District, along with areas zoned for industry, doesn't allow agriculture, though, regardless of the availability of water and sewer.

The next two zoning districts that allow the most density with municipal water and sewer - the Residential-Agrcultural-1 (R-Ag-1) District with lots as small as 10,000 square feet and the Hamlet (H-1) District with developable lots permitted as small as 15,000 square feet - do allow agriculture, but in a very limited form. They only allow nurseries and greenhouses on 5 acres of land and with a special permit. These zoning districts that limit agricultural activity cover a small portion of the Town. The rest of the Town is covered by zoning that allows for a full range of agriculture.

The bulk of the Town's agricultural activity takes place on the other residential-agricultural zoning districts. The R-Ag-2, R-Ag-3 and R-Ag-4 have larger setback, lot width and minimum lot size requirements than zoning districts that limit agricultural activity. These requirements are more conducive to a full range of agriculture. Shawangunk's zoning statute has agriculture listed as a principal permitted use. Certain, more specific, agricultural land uses are listed as accessory. These specific land uses include farm stands and the keeping of fowl and livestock. Zoning restrictions pertaining to fowl and livestock limit 20 fowl per acre and 1 animal per acre for horses and cows. The RS-1 and RS-2 Districts, or ridge stewardship zoning, allow for the full range of agriculture as the three residential-agricultural districts, but have fewer farms because of rockier terrain.

Shawangunk's zoning statute, as a whole, is geared towards allowing agriculture. Every district that is labelled residential is also labelled agricultural, hence the "Residential-Agricultural" designation. There isn't a residential zoning district that's purely designated as residential. Private residences have to share zoning districts with agriculture. Shawangunk's approach to zoning reinforces its rural character. The Borden Home Farm Historic Overlay Zoning District is another example of this. The Borden Overlay District is focused on preserving the historic structures and surrounding landscapes of the historic farm. While agriculture is stipulated as the preferred land use, the emphasis is on preserving viewsheds, which to put another way, is preserving how the area looks regardless of land use. So, while not agriculture, but consistent with zoning, this overlay district allows golf courses.

5. Recommendation to continue, modify or terminate such district

The AFPB recommends continuation of the District with modifications to its boundaries. The AFPB's decisions for modification were based on the following process:

First Round: Aerial Photography Analysis for All Parcels

The analysis began by looking at the available digital map of the area. While this map is not the most up to date record of the District, it allows Ulster County Planning staff to review the bulk of parcels and see which ones are viable agricultural lands. Planning staff looked for parcels that appeared to have residential, commercial and industrial activities unrelated to agricultural activities. Tax assessment records were used to help determine which parcels would be candidates for removal from the District. Agricultural District #2 was observed to have many large parcels i.e. larger than five acres, located near, if not bordering, active farms. Throughout the Wallkill River Valley, farms are often near other farms, be they in an agricultural district or not. Large parcels with farms and a density of farming activity keep much of Agricultural District #2 viable for agriculture.

This landscape, however, made subdivision activity, especially suburban-style developments, all the more conspicuous. Agricultural district parcels in such subdivisions were flagged as candidates for removal from Agricultural District #2. Even parcels specified as vacant by real property classification codes in these suburban-style subdivisions were flagged for removal. Normally vacant parcels would be left alone, but these subdivision patterns mean parcels are intended for residential development, single-family homes in particular. In one such subdivision, well water and septic systems are already in place and awaiting final approval from the Ulster County Health Department.

Normally, vacant land already in an agricultural district is given the benefit of the doubt. Parcels with real property classification codes for vacant are treated as viable agricultural land, regardless of size and location. Vacant parcels help give the District its contiguity. Such land was deemed viable at one point for agriculture and is presumed to be so now. Economic factors could come into play that would make them home to operational farms in the future.

This stage of the review excludes certain municipalities from the next. The Towns of Rosendale, Esopus, New Paltz and the Village of New Paltz have comparatively fewer parcels in the District than their counterparts to the south. This makes spotting parcels in these municipalities, which are potentially no longer viable for agriculture, considerably easier. In these four municipalities, even residential parcels in the District appear connected to agricultural operations. Using the aid of tax assessment records along with aerial photography, the analysis did not reveal any commercial or industrial parcels unrelated to agriculture within the District. No parcel in Rosendale, Esopus, and the Town and Village of New Paltz in Agricultural District #2 would be recommended for removal ahead of the February 18, 2015 AFPB meeting.

Second Round: Aerial Photography Analysis for Selected Parcels

The second round looks at Gardiner, Plattekill and Shawangunk. It removes viable agricultural parcels from the analysis and focuses on parcels with non-agricultural and non-vacant real property classification codes. Viable agricultural lands are ones with real property class codes in the 100 (agriculture) or 300 (vacant lands) range and 241 (single-family residence with agriculture) or 555 (horse farm). In other words, land that tax assessors designated as agriculture or vacant. Agricultural property class codes obviously mean an operational farm. Agricultural district parcels with residential, commercial, industrial or other property class codes were

subjected to an additional level of scrutiny using aerial photography and tax assessment records. The second round yielded only a handful of parcels, some of which ceased being candidates for removal after the next round.

Third Round: Cross-reference with Agricultural District Inclusion Records

At this point, there was a list of parcels, all from Gardiner, Plattekill and Shawangunk, which were candidates for removal ahead of the February 2015 AFPB meeting. Ulster County Planning Department staff cross-referenced this list with records of agricultural district inclusions from 2004 to 2014. Two parcels were found to be recent additions, and were then taken off the list.

Recommendation

The AFPB held its meeting concerning the review of Agricultural District #2 on February 18, 2015. The AFPB reviewed the parcels highlighted for removal by Ulster County Planning Department staff. The AFPB also considered the need to remove additional parcels as well as adding parcels to the District. After review of the parcels highlighted by Planning Department Staff and after consideration of additional parcels to be removed as well as the need for any additions, the AFPB recommends that 59 parcels totaling 163.46 acres be removed from Agricultural District #2.

See attached

Appendix A: List of Agricultural District #2 Parcels recommended for Removal at 2/18/2015 AFPB Meeting

Appendix B: Presentation given at February 18, 2015 Ulster County Agricultural and Farmland Protection Board meeting

Appendix C: Map of all Parcels Recommended for Removal

Appendix D: Map of Rolling Hills Subdivision

Appendix E: Map of Bert McCord Subdivision